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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/241,994	02/02/1999	RONALD M. HICKLING	TECHCON.001A	9408

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EXAMINER

TSE, YOUNG TOI

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/241,994

Applicant(s)  
Hickling

Examiner  
Young Tse

Art Unit  
2634



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Jan 7, 2002

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above, claim(s) 13 is/are withdrawn from consideration.

5) ☒ Claim(s) 7-12 and 14-19 is/are allowed.

6) ☒ Claim(s) 1-6 is/are rejected.

7) ☐ Claim(s) is/are objected to.

8) ☐ Claims are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, the phrase "said incoming waveform downward in frequency" is indefinite. According to the present invention, a delta-sigma modulator is shown in Fig. 4, for transmission of the incoming waveform, it appears the incoming waveform should be up converted. Applicant is requested to clarify the matter.

Applicant is requested to cancel the non-elected claim 13 in response to the Office Action.

### ***Allowable Subject Matter***

2. Claims 7-12 and 14-19 are allowed.

3. Claim 1-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Young Tse** whose telephone number is **(703) 305-4736**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Chin**, can be reached at **(703) 305-4714**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

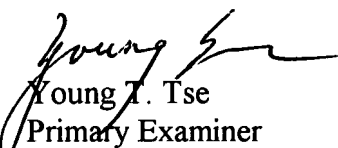
**(703) 872-9314 (for Technology Center 2600 only)**

**Or:**

**(703) 872-9315 (for amendments after final rejection only, please mark "EXPEDITED PROCEDURE")**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
Young T. Tse  
Primary Examiner  
March 23, 2002

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### DETAILED ACTION

#### *Election/Restriction*

1. Applicant's election without traverse of claims 1-12, 14-31, 33-39, 41-49, and 54-63 in Paper No. 15 is acknowledged.
2. Claims 13, 32, 40, and 50-53 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention. Election was made without traverse in paper No. 15. **Applicant note the dependent claims 40 and 50-53 depend on the independent claim 13. Therefore, they should group together.**
3. This application contains claims 13, 32, 40, and 50-53 drawn to an invention nonelected with traverse in Paper No. 15. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.  
This application contains claims directed to the following patentably distinct species of the claimed invention:

#### *Drawings*

4. The drawings are objected to because the "SIGMA-DELTA LOOP" 30 shown in Fig. 1 should be labeled --DELTA-SIGMA LOOP-- as described in the specification. Further, the word "complementary" shown in both block (76) of Fig. 4 and block (182) of Fig. 9 is misspelled. Correction is required.

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5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the reference sign --135-- is not labeled in Fig. 7 as described at page 16, line ~~46~~<sup>26</sup> of the specification. Correction is required.

6. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

#### *Information Disclosure Statement*

7. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### *Specification*

8. The disclosure is objected to because of the following informalities: at page 13, line 30 and line 31, Applicant is requested to clarify the difference between "D.C." and "DC". Appropriate correction is required.